

Remarks/Arguments:

Applicants gratefully acknowledge the helpful suggestions of the Examiner contained in the Office Action.

In response to the Examiner's objection, the alleged new matter beginning page 8, line 10, of the specification has been removed.

The Examiner has rejected claims 14-19 and 39-51 under 35 U.S.C. § 112 second paragraph.

In view of the foregoing amendments to claims 14, 39, 42 and 45 it is respectfully submitted that the rejection of claims 14-19 and 39-51 under 35 U.S.C. § 112 second paragraph has been overcome.

Applicants have cancelled claims 23-28, 33-34 and 51.

Applicants respectfully submit that the process of claim 14 is different from the process of claim 50 since the process of claim 14 is drawn to concentration of an aqueous alcoholic solution whereas the process of claim 50 is drawn to concentration of a plant extract in form of an aqueous alcoholic solution clearly two different processes. In view of the foregoing it is respectfully submitted that the rejection of claims 14-19 and 39-51 under 35 U.S.C. § 112 second paragraph have been overcome and should be withdrawn.

The Examiner has rejected claims 1, 4-8, 14, 22-23, 25, 27, 30-32, 35-38 and 49-51 under 35 U.S.C. § 103(a) over Baumann in view of Kramer Sr. (U.S. Patent 4,305,790).

In view of the fact that the Examiner has indicated that claims 3, 9-13, 15-19, 24, 26, 28-29, 33-34 and 39-42 would be allowable if rewritten in independent format, applicant has taken the opportunity to do so. Therefore, it is respectfully submitted that the claims as amended define allowable subject matter.

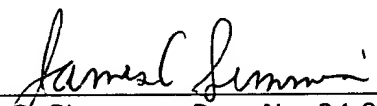
In view of the fact that the claims remaining in the application define patentable subject matter it is respectfully submitted that the rejection under 35 U.S.C. § 103(a) is not well taken and should be withdrawn.

Appln. No.: 09/806,423
Amendment Dated April 5, 2005
Reply to Office Action of January 13, 2005

SSM-488US

In view of the foregoing amendments and arguments it is respectfully submitted that the above-identified application is in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,



James C. Simmons, Reg. No. 24,842
Attorneys for Applicants

JCS/mc

Dated: April 5, 2005

☒ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

5 April 2005

James C. Simmons

MC_I:\SSM\488US\AMEND_03.DOC